

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2002-0027
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
WILLIAM P. JOHNSON AND VAIL LAKE, LLC
VIOLATIONS
OF
CALIFORNIA WATER CODE §§ 13267, 13383, AND 13376
AND
STATE WATER RESOURCES CONTROL BOARD
ORDER NO. 99-08-DWQ

The San Diego Regional Water Quality Control Board (hereafter Regional Board), having held a public hearing on 13 February 2002, to hear evidence and comments on the allegations contained in Amended Complaint No. 2001-188, dated 15 August 2001, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$422,200 finds as follows:

1. William P. Johnson and Vail Lake, LLC own the 132 acre property described as "Vail Lake" located along the south shore of Vail Lake in southern Riverside County, California.
2. William P. Johnson and Vail Lake, LLC began construction activity at the Vail Lake site on 07 July 1999.
3. The State Water Resources Control Board (hereafter State Board) adopted *Order No. 92-08-DWQ, NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* on 20 August 1992 to address storm water discharges from construction activity resulting in the soil disturbance of five acres or more. On 19 August 1999, the State Board updated Order No. 92-08-DWQ with *Order No. 99-08-DWQ, NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* (Construction Storm Water Permit).
4. William P. Johnson and Vail Lake, LLC filed a Notice of Intent (NOI) to comply with State Board *Order No. 99-08-DWQ* for the Vail Lake site that was received by the State Board on 26 February 2001 (WDID No. 9 33S315165). It is the responsibility of the landowner to obtain coverage under the Construction Storm Water Permit prior to the commencement of construction activities. California Water Code (CWC) section 13376 requires "any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state...shall file a report of the discharge in compliance with the procedures set forth in Section 13260,..."

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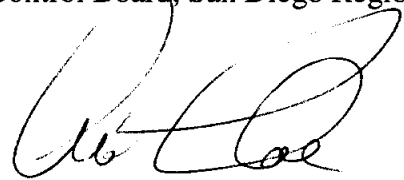
William P. Johnson & Vail Lake, LLC

Therefore, William P. Johnson and Vail Lake, LLC violated Water Code section 13376 from 07 July 1999 to 26 February 2001 for a total of 600 days.

5. On 10 May 2000, the Regional Board pursuant to Water Code section 13267 and 13383 directed William P. Johnson and Vail Lake, LLC to submit a technical report to the Regional Board by 31 May 2000. William P. Johnson and Vail Lake, LLC failed to submit a report to the Regional Board, resulting in 622 days of violation of Water Code sections 13267 and 13383.
6. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board prior to the hearing and described in greater detail in *California Regional Water Quality Control Board, San Diego Region, Technical Analysis, Proposed Administrative Civil Liability Contained In Amended Complaint No. 2001-188, William P. Johnson and Vail Lake, LLC, 31 January 2002* supports assessment of civil liability pursuant to Water Code section 13385 in the amount of \$422,200 as follows:
 - \$600 per day for failing to file a NOI for 600 days of violation of Water Code section 13376 for a total of \$360,000; and
 - \$100 per day for failing to submit the technical report for 622 days of violation of Water Code sections 13267 and 13383 for a total of \$62,200.
7. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 13389 of the California Water Code.

IT IS HEREBY ORDERED that civil liability is imposed on William P. Johnson and Vail Lake, LLC in the amount of four hundred twenty-two thousand and two hundred dollars (\$422,200) and that the rationale for the assessment contained in *California Regional Water Quality Control Board, San Diego Region, Technical Analysis, Proposed Administrative Civil Liability Contained In Complaint No. 2001-188, William P. Johnson and Vail Lake, LLC, 31 January 2002* is hereby incorporated into this order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on 13 February 2002.




JOHN H. ROBERTUS
Executive Officer